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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,112	04/08/2004	Toshiaki Nagashima	00684.003622	8398
5514	7590	11/23/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 11/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/820,112	Applicant(s) NAGASHIMA ET AL.	
	Examiner Sameh H. Tawfik	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09302005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims 10-17 drawn to an invention nonelected with traverse in Paper No. 05/13/2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 09/30/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP. (9,222,839).

'839 discloses a manufacturing method for a toner container provided with an opening, said method comprising, a filling step of filling the toner container with toner through an opening (Abstract, lines 1 and 3); a closing step (via lid 40) of setting a cover member and closing the opening with the cover member, after said filling step (Abstract); and a sealing step of sealing the opening after the closing step by sealing the cap member to the toner container by a welding jig (Abstract, line 5; via through ultrasonic weld), wherein the cover member is welded to the

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toner container while imparting a relative movement of the welding jig relative to the toner container toward an un-welded portion (note that it is inherent the source of the ultrasonic is moving around the un-welded portions between the cap and container to weld all the way around); the welding member is contacted to a part of a welding region (Fig. 7; note that it is inherent the welding member is contacting part of the welding region) between the cover member and the container to import ultrasonic vibration.

'839 does not disclose that the sealing step done by vibration welding. However, the examiner takes an official notice that such vibration welding by such moving the welding arm back and forth around the welded area is old, well known, and available in the art, such as using operator's hand to weld around the welding area the had is vibrated around the welding area. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 by vibration welding to insure good weld in the needed area. Alternatively, note that when the machine operated cause some vibration, which will make the source of the ultrasonic welding in '839 to be vibrated. Note that applicants admitted on the filed specification, page 3, lines 7-13 that such a use of ultrasonic vibration weld is widely used in the art.

Regarding claim 2: '839 discloses further a fixing step of fixing a position of the toner container and substantially preventing movement of the toner container, wherein said filling step is effected after said fixing step, note that it is inherent the while filling the container the container is fixed to avoid spilling of the product around the container.

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Regarding claim 3: '839 discloses that the relative movement is provided by moving the welding jig, note that it is inherent the welding jig is moving around the container to insure good weld all the area around the container and cap.

Regarding claims 7 and 8: '839 does not disclose that in the sealing step the welding jig is circulated around the opening to return to a start point of welding nor has a free projected end. However, the examiner takes an official notice that such movement of welding arm around welding area is old, well know, and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 welding arm by circulated welding arm with free end to insure good and complete weld in all sides of the container.

Regarding claim 9: '839 does not disclose that the opening functions to permit removal of a mold during injection molding of the toner container. However, the examiner takes an official notice that manufacturing container by molding means is old, well known, and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 by molding the container and allowing the mold to be removed through the container's opening in order to manufacture molded container as option of a design choice.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art applied to claims 1-3 above and further in view of Corbic (4,228,633).

'839 does not disclose that a pressing step of pressing the cap member into the toner container by a pressing jig after the cap member is set in the toner container in the closing step nor the sealing step is effected after the cap member is pressed into the toner container in the

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pressing step. However, Corbic discloses a similar method of manufacturing container comprising the steps of pressing the cap member into the container and then sealing the cap member after the pressing step (Fig. 5; via pressing and welding means 13).

Therefore, would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 welding arm by allowing or programming the arm to press the cap into the container before the welding step, in order to insure and locate the cap in the right position in respect to the container before the sealing step.

Response to Arguments

Applicant's arguments filed 09/27/2005 have been fully considered but they are not persuasive.

Applicants argue the restriction in page 15 of the filed arguments, as referring to the reasons given in the paper filed on 05/13/2005. The examiner has responded properly by responding to the filed reasons and has made the restriction final on paper number 06222005.

Applicants request a reference showing the claimed feature of relative movement to an ultrasonic welding member relative to a toner container toward an un-welded portion. The examiner draws applicants attention to the background of the filed specification (page 3, lines 7-13), applicants have admitted that the use of such vibrating ultrasonic welding is widely used in the art. Note that the filed admitted prior art is equivalent to the required reference.

Applicants further argue in pages 17 and 18 that the amended claim 1 solves a problem with the manufacturing of conventional toner containers by causing the toner to move a way from the welding portion, thereby preventing toner melting and the formation of large toner

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masses. The examiner believes that applicants are arguing about features not disclosed nor claimed in the amended claim 1. The amended claim only referring to “said welding member is contacted to a part of a welding region between said cover member and said container to impart ultrasonic vibration,”; which the examiner still believes that ‘839 discloses the welding member as contacting a part of the welding region, as it is not clear the dimensions or the exact area of such welding region, therefore, whatever area contacted by the welding member could be considered as a welding region area.

Applicants argue in page 18 of the arguments that reference ‘839 is not understood to disclose or suggest that a welding member is contacted to a part of a welding region between a cover member and a container to impart ultrasonic vibration. The examiner believes that ‘839 discloses a welding member contacting part of a welding region, as the claimed “welding region” is not specific as to its location in respect to the toner container, therefore, any region in ‘839 could be considered as the claimed “welding region”.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470.

The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



ST.

